



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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<http://www.epa.gov/region08>

December 4, 2012

***By email (w/o enclosure) and hand delivery***

Linnea Brown, Esq.  
Temkin Wielga & Hardt LLP  
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Denver, Colorado 80202  
[brown@twhlaw.com](mailto:brown@twhlaw.com)

Re: Freedom of Information Act (FOIA) requests 08-FOI-00316-12 and EPA-R8-2013-000119 regarding Pavillion Phase 5 sampling by the United States Environmental Protection Agency (EPA)

Dear Ms. Brown:

I am responding to your August 14, 2012 FOIA request to the EPA for documents related to the EPA's "Phase 5" water quality sampling activities (request 08-FOI-00316-12), and to the portion of your August 14 FOIA request to the U.S. Geological Survey that the USGS referred to the EPA for a response (request EPA-R8-2013-000119).

You requested that EPA provide documents in nine scientific and technical categories. Of these, we have previously provided responsive documents in categories 1 and 2, in the "Workplan for Drilling"<sup>1</sup> and QAPPS<sup>2</sup> folders on the Pavillion Site Documents page.<sup>3</sup> We have also made available the "Transmittal of Contract Laboratory Results and Evaluation of Laboratory Specific Quality Control Measures" document described in the request referred from the USGS, and the EPA "Summary of Methods and Results" and the more detailed "Groundwater Sampling Results at Locations near Pavillion, WY."<sup>4</sup> Finally, yesterday we provided materials to you in response to your consolidated FOIA request 08-FOI-00114-12. Those materials may include information that is also responsive to your request 08-FOI-00316-12.

Enclosed with this letter are additional documents responsive to your request. Please note that these documents may contain draft scientific data or analysis.

We are unable to provide you with other documents that have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. §§ 552(b)(5) and (b)(6). An itemized list of the withheld material along with the basis for withholding is enclosed. We are still compiling our final assessment of

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<sup>1</sup> See [ftp://ftp.epa.gov/r8/pavilliondocs/WellDrillingInformation/Workplan\\_For\\_Drilling/](ftp://ftp.epa.gov/r8/pavilliondocs/WellDrillingInformation/Workplan_For_Drilling/).

<sup>2</sup> See [ftp://ftp.epa.gov/r8/pavilliondocs/QA\\_Documents/QAPPS/](ftp://ftp.epa.gov/r8/pavilliondocs/QA_Documents/QAPPS/).

<sup>3</sup> See <http://www.epa.gov/region8/superfund/wy/pavillion/docs.html>.

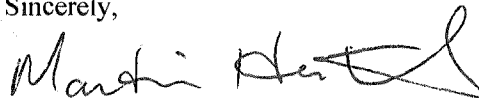
<sup>4</sup> See <http://www.epa.gov/region8/superfund/wy/pavillion/phase5.html>.

the costs involved in this response. We expect to provide you with a final cost figure, as well as any refund or additional charge, within the next two weeks.

You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, email [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30-calendar-day limit. The appeal letter should include the applicable request identification number. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions about this response, please contact Michael Boydston at 303-312-7103 or [boydston.michael@epa.gov](mailto:boydston.michael@epa.gov).

Sincerely,



Martin Hestmark  
Assistant Regional Administrator,  
Office of Ecosystems Protection and Remediation

#### Enclosures

cc: Elizabeth Temkin, Esq., Temkin Wielga & Hardt LLP ([temkin@twhlaw.com](mailto:temkin@twhlaw.com)) (w/o enclosure)  
Jacob Licht, Esq., Temkin Wielga & Hardt LLP ([licht@twhlaw.com](mailto:licht@twhlaw.com)) (w/o enclosure)



## 08-FOI-00316-12 : List of Withheld Documents

EPAPAV0001023

Item #	File name	date	# of pgs.	FOIA exemption	Additional description of basis for withholding
1	DiGiulio Phase V Field Notes.pdf	4/16-24/2012	30	5 U.S.C. § 552(b)(6)	privacy
2	Pavillion Apr2012 QA Summary v0.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5); 5 U.S.C. § 552(b)(6)	DPP; privacy
3	Pavillion Apr2012 QA Summary v1.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5); 5 U.S.C. § 552(b)(6)	DPP; privacy
4	Pavillion Apr2012 QA Summary v2.1.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5); 5 U.S.C. § 552(b)(6)	DPP; privacy
5	Pavillion Apr2012 QA Summary v2.3 8-13-2012.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5); 5 U.S.C. § 552(b)(6)	DPP; privacy
6	Pavillion Apr2012 QA Summary v2.4 8-17-2012.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5); 5 U.S.C. § 552(b)(6)	DPP; privacy
7	Pavillion Apr2012 QA Summary v2.5 8-27-2012.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5); 5 U.S.C. § 552(b)(6)	DPP; privacy
8	Pavillion Apr2012 QA Summary v2.6 8-29-2012.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5); 5 U.S.C. § 552(b)(6)	DPP; privacy
9	Pavillion Apr2012 QA Summary v2.6 8-30-2012.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5); 5 U.S.C. § 552(b)(6)	DPP; privacy
10	Pavillion Apr2012 QA Summary v2.7 9-15-2012.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5); 5 U.S.C. § 552(b)(6)	DPP; privacy
11	Pavillion Apr2012 QA Summary v2.7.1 9-18-2012.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5)	DPP
12	Pavillion Apr2012 QA Summary v2.7.2 9-20-2012.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5)	DPP
13	Pavillion Apr2012 QA Summary v2.7.2 9-21-2012.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5)	DPP
14	Pavillion Apr2012 QA Summary v2.7.3 9-21-2012.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5)	DPP
15	Pavillion Apr2012 QA Summary v2.7.4 9-22-2012.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5)	DPP
16	Pavillion Apr2012 QA Summary v2.7.4 9-24-2012.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5)	DPP
17	Pavillion Apr2012 QA Summary v2.xlsx	undated	multi-tabs	5 U.S.C. § 552(b)(5); 5 U.S.C. § 552(b)(6)	DPP; privacy
18	Pavillion Phase V ADQ report_PI response with updates 7_25_12.docx	7/25/2012	35	5 U.S.C. § 552(b)(5)	DPP
19	Phase V ADQ2 CLP_MS_PI response_7_27_12.docx	8/27/2012	8	5 U.S.C. § 552(b)(5)	DPP
20	Phase V GW Data and QAQC report 9-28-12 wDRAFT.pdf	9/28/2012	129	5 U.S.C. § 552(b)(5)	DPP
21	PhaseV QAQC 6-27-2012 v0.docx	6/27/2012	35	5 U.S.C. § 552(b)(5)	DPP
22	PhaseV QAQC 8-23-2012 v1.3.docx	8/23/2012	62	5 U.S.C. § 552(b)(5)	DPP
23	PhaseV QAQC 9-04-2012 v1.4.docx	9/4/2012	69	5 U.S.C. § 552(b)(5)	DPP
24	PhaseV QAQC 9-18-2012 v1.4.1.docx	9/18/2012	70	5 U.S.C. § 552(b)(5)	DPP
25	PhaseV QAQC 9-20-2012 v1.4.2.docx	9/18/2012	70	5 U.S.C. § 552(b)(5)	DPP
26	PhaseV QAQC 9-21-2012 v1.4.3.docx	9/21/2012	73	5 U.S.C. § 552(b)(5)	DPP
27	PhaseV QAQC 9-23-2012 v1.4.4.docx	9/23/2012	70	5 U.S.C. § 552(b)(5)	DPP
28	PhaseV QAQC7-22-2012 v1.docx	7/21/2012	57	5 U.S.C. § 552(b)(5)	DPP
29	PhaseV QAQC8-17-2012 v1.2.docx	8/17/2012	60	5 U.S.C. § 552(b)(5)	DPP
30	PhaseV QAQC8-30-2012 v1.4.docx	8/30/2012	69	5 U.S.C. § 552(b)(5)	DPP
31	signed copy Pavillion QAPPv6 2_17_2012.pdf	2/17/2012	89	5 U.S.C. § 552(b)(6)	privacy

DPP = deliberative process privilege